

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**MARY JONES and JOSEPH ALFORD,** )  
 )  
**Plaintiffs,** )  
 )  
v. ) CIVIL ACTION NO.: 1:06-cv-585-WHA  
 )  
**HOUSTON COUNTY SHERIFF'S** )  
**DEPARTMENT, et al.,** )  
 )  
**Defendants.** )

**AFFIDAVIT**

STATE OF ALABAMA,

HOUSTON COUNTY.

Before me, the undersigned authority for administering oaths, personally appeared **J. Michael Capshaw** who is a Civil Document Server with the Houston County Sheriff's office who being by me first duly sworn, deposes and says as follows:

My name is J. Michael Capshaw, and I am over the age of nineteen (19) years and a resident of Houston County, Alabama.

I am presently employed as a Civil Document Server with the Houston County Sheriff's office and was so employed at all times material to this lawsuit. Before June 13, 2005, when I transferred to the civil division as a civil document server, I worked as a corrections officer in the Houston County Jail. My principal duties involve the service of civil papers and witness subpoenas



for the courts. I have personal knowledge of the facts and information contained herein.

I have reviewed the Verified Complaint filed by the plaintiffs in this lawsuit. When I received this lawsuit, that was the first time that I had ever heard of Mary Jones or Joseph Alford; the first time that I knew of any of the events claimed by the plaintiffs; and was when I first learned that a search warrant had been sought, obtained or executed related to the plaintiffs or their house by any law enforcement officer. I was not involved in any way nor was I personally present at any time when the search warrant made the basis of the plaintiffs' claims was sought, obtained or executed.

The first time I learned or heard that a search warrant had allegedly been executed related to the plaintiff's house was when I received this lawsuit claiming that I was involved in a search at their house in January of 2006. The first time I heard that the plaintiffs were claiming that I was somehow involved in this lawsuit was when I received this lawsuit. As far as I know, I have never met or been in the personal presence of either Mary Jones or Joseph Alford. I have never been to the residence address listed in the search warrant made the basis of this lawsuit. According to the records of the civil division of the Sheriff's office, I served garnishment papers on a Mary E. Jones on November 14, 2005, whose address was 2379 Kinsey Road, Dothan, Alabama. I do not know if that Mary E. Jones is the same Mary Jones who is one of the plaintiffs in this lawsuit. I do not recall the race or any physical description of the Mary E. Jones I served in November of last year as she is one of more than a hundred civil papers or trial subpoenas (on average) that I serve each week in my duties as a civil document server for the Sheriff.

I am not a certified law enforcement officer, have never been to the police academy and I have never served as a sworn deputy, investigator or as any other type of law enforcement officer.

I do not nor have I ever had arrest powers and have never been authorized to make an arrest, with or without an arrest warrant, or to execute a search warrant. I have never made an arrest, executed an arrest warrant or executed a search warrant. I do not own a gun personally and I have never had one assigned or provided to me by the Sheriff's office.

When I worked in the Houston County Jail as a corrections officer, I did participate in the search of inmate cells as necessary for the safety, security and good order of the jail; however, no search warrants were needed or executed as a part of searches in the jail.

I work five days a week from 7:30 a.m. until 4:00 p.m. as a civil document server for the Sheriff of Houston County. At the time that the plaintiff's claim that the events made the basis of their complaint occurred, I was not on duty or working. On January 18, 2006, I got off work as a civil document server at 4:00 p.m., and did not return to work until 7:30 a.m. the morning of January 19, 2006. On the evening of January 18, thru the morning of January 19, 2006, I was at home with my young son and was not present for any of the events the plaintiff's claim as the basis for this lawsuit.



J. MICHAEL CAPSHAW

STATE OF ALABAMA,

HOUSTON COUNTY.

Before me, the undersigned authority, personally appeared **J. Michael Capshaw**, who being sworn by me according to law, deposes and states that the matters and things alleged in the above Affidavit are true and correct to the best of his information, knowledge and belief.

Sworn to and subscribed before me on this the 2nd day of August, 2006.

Deborah J. Ennis

NOTARY PUBLIC

My Commission Expires: 12-9-08